

City Clerk File No. Ord. 08-048

Agenda No. 3.F 1st Reading

Agenda No. 4.F 2nd Reading & Final Passage



# ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 08-048

TITLE:

## AN ORDINANCE ESTABLISHING A LEAD TESTING NOTIFICATION PROGRAM FOR DAY CARE CENTERS

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

**WHEREAS**, Jersey City's history is that of an industrial city where former industrial sites are often developed into parks and recreation areas; and

**WHEREAS**, in many sections of Jersey City, houses were built before 1950 and often contain lead based paint and materials; and

**WHEREAS**, as is the case with most industrial cities, lead contamination has long been a health issue for the city's residents, particularly children in the developmental stages of life; and

**WHEREAS**, elevated blood lead levels in young children are strongly associated with significant impairments in cognitive functioning (e.g., depressed IQ, learning disabilities, mental retardation) and social-behavioral conduct (i.e., attention-deficit-hyperactivity disorder); and

**WHEREAS**, children 6 years and younger are most vulnerable to the accumulating toxic effects of lead due to their bodies developing faster and absorbing lead more easily; and

**WHEREAS**, children ages nine months through six years of age are a segment of the population with the greatest risk of lead exposure through direct ingestion of soil or paint chips; through indirect ingestion (e.g., hand-to-mouth contact) of soil deposited on hands and toys acquired by playing in contaminated soil; through inhalation of soil particles temporarily made airborne by playing in contaminated soil; and

**WHEREAS**, if not prevented or detected and reversed early in a child's life, elevated blood lead levels may lead to irreversible damage to the central nervous system and poor social economic outcomes; and

**WHEREAS**, exposure to lead is more likely in the homes and soils of older inner cities where homes were built before 1978 and where there is greater exposure risk in and around homes built before 1950 due to the higher concentrations of lead used in pre-1950's paint; and

**WHEREAS**, elevated lead soil loading in older inner cities is a consequence of years of leaded gasoline vehicle emissions and deposition of deteriorated exterior lead paint and other lead containing products (e.g., as the result of chipping exterior paint or demolition and renovation of older structures harboring lead paint); and

AN ORDINANCE ESTABLISHING A LEAD TESTING NOTIFICATION PROGRAM FOR DAY CARE CENTERS

**WHEREAS**, lead is a developmental toxicant and the harmful effects of lead on children's development can occur without clinical signs, symptoms or abnormal routine laboratory test.

**WHEREAS**, CDC's Advisory Committee on Childhood Lead Poisoning Prevention, recently issued updated recommendations calling for the nation to focus on primary prevention of childhood lead poisoning. Because the 2010 health objective of eliminating childhood lead poisoning, can be achieved only through primary prevention.

**WHEREAS**, it is in the best interest of the City of Jersey City to safeguard the health and welfare of its youngest citizens by providing preventive health care information to parents and guardians of all children, but especially those most vulnerable who are enrolled in pre-kindergarten programs and are 1 year to 6 years of age.

A. The following supplement to the Jersey City Code is hereby adopted.

Lead Testing Notification Program for Day Care Centers

A. Day Care Centers

(1) A Lead Testing Notification Program for all Day Care Centers licensed by the State of New Jersey pursuant to N.J.S.A. 30:5B-3 is hereby established.

(2) The owner or operator of a Day Care Center shall be required to notify the parents or guardians of all children enrolled at the Child Care Center that the State of New Jersey will provide free lead testing to children who are uninsured or underinsured.

(3) The owner or operator of a Day Care Center shall be required to notify the parents or guardians of children enrolled at the Child Care Center with health insurance that all primary care physicians are required to screen children for lead.

(4) The owner or operator of a Day Care Center shall have the Notice filed in the child's record on or before October 1<sup>st</sup> of each year, and made readily available to the Jersey City Department of Health auditors during their annual audit.

**NOTE:** All material is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated by bold face and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
APPROVED:   
Ass't. Business Administrator

Certification Required   
Not Required

# Ordinance of the City of Jersey City, N.J.

Ord. 08-048

ORDINANCE NO. \_\_\_\_\_

TITLE: 3.F. APR 09 2008 4.F. APR 23 2008

An ordinance establishing a lead testing Notification Program for Day Care Centers.



RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 09 2008											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	ABSENT			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
APR 23 2008 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
<i>LIPSKI / SPINELLO</i>				GAUGHAN	✓			BRENNAN	✓		
SOTTOLANO	ABSENT			FULOP	✓			FLOOD	✓		
SPINELLO	✓			RICHARDSON	✓			VEGA, PRES.	✓		
LIPSKI	✓										

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
APR 23 2008 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	ABSENT			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on APR 09 2008

Adopted on second and final reading after hearing on APR 23 2008

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on APR 23 2008

*Robert Byrne*  
Robert Byrne, City Clerk

APPROVED: *Mariano Vega*  
Mariano Vega, Jr., Council President

Date: APR 23 2008

APPROVED: *Jerramiah T. Healy*  
Jerramiah T. Healy, Mayor

Date APR 30 2008

Date to Mayor APR 24 2008

\*Amendment(s):